

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

Case No: 2:13-00175

TENNIS MELVIN MAYNARD

MOTION FOR RELEASE OF MENTAL HEALTH RECORDS

Now comes the United States of America, by Steven I. Loew, Assistant United States Attorney for the Southern District of West Virginia, and hereby moves the Court for an Order authorizing the disclosure of defendant's mental health records.

BACKGROUND

On April 3, 2013, Mingo County Sheriff Eugene Crum was murdered. In the April 2013 grand jury in Mingo County, defendant was indicted for murdering Sheriff Crum, for attempting to murder Corporal Norman Mines, and for operating a vehicle with reckless indifference. On June 25, 2013, defendant was indicted by a federal grand jury sitting in Charleston on ten counts related to his illegal purchase and possession of firearms. Defendant has remained in state custody throughout the

entire proceedings, and has never appeared in federal court on the pending federal charges.

DISCUSSION

While in state custody, defendant has undergone extensive and numerous evaluations relating to his mental health. All of the reports regarding these examinations, however, are under seal and the United States does not have access to them. On January 15, 2015, the Circuit Court Judge in charge of the state case issued findings regarding defendant's competency to stand trial. A copy of the Circuit Court's finding is attached hereto as Exhibit 1. In the Court's finding, it specifically refers to reviewing "report(s) from the forensic examination(s)," and it ultimately determined that defendant was not competent to stand trial. The Court further found that defendant is not "substantially likely to attain competency" and ordered defendant to be committed to a mental health inpatient facility as designated by the West Virginia Department of Health and Human Resources.

In order to evaluate what steps the United States should take in pursuing its charges against defendant, the United States requests an order from this Court authorizing defense counsel to provide to the United States copies of the mental health evaluations relating to defendant's competency to stand

trial performed while the defendant has been in state custody. Richard Weston was retained by defendant to represent him on both the state and federal charges. It is the United States understanding that Mr. Weston has copies of all of defendant's mental health evaluations relating to his competency to stand trial on the state charges. The United States has discussed this motion with defense counsel and is authorized to represent that he has no objection to providing the United States with such records.

Accordingly, the United States respectfully requests this Court to issue an order authorizing defense counsel to provide to the United States any and all reports from defendant's forensic mental health examinations since April of 2013.

Respectfully submitted,

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing "MOTION FOR RELEASE OF MENTAL HEALTH RECORDS" has been electronically filed and service has been made on opposing counsel on January 29, 2015, to:

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